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THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 200 P.O. BOX 1219 SANDY, UT 84070			BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER
			3724	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,371

Applicant(s)

SERVER, BRIDGETTE

Examiner

Carolyn T Blake

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-45 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II in the reply filed on December 9, 2004 is acknowledged. The traversal was made without any argument. In order for the restriction to be withdrawn, a reason for traversal must be given. In addition, it is noted Applicant canceled the unelected claims.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "24" has been used to designate both the securing device and the top of the eyelet.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following:

- Page 7, line 12 to page 8, line 6: This section appears to concern the background and prior art of the invention. Therefore, it should be moved to the section of the specification titled "BACKGROUND OF THE INVENTION."

Appropriate correction is required.

Claim Objections

5. Claim 37 is objected to because of the following: the period at the end of line 6 should be replaced with a comma. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by McGill (67,665). McGill discloses a method for fastening at least two mediums of a scrapbook or photo album, comprising the steps of:

- a. forming corresponding holes in the at least two mediums, the at least one medium, the at least two mediums being selected from the group consisting of scrapbook pages, photo album pages, photos, and decorative paper (col. 1, lines 6-8);
- b. aligning the holes in the at least two mediums (inherent);
- c. disposing a securing device through the holes in the at least two mediums;

Art Unit: 3724

- d. placing a setting tip against a top of the securing device; and
- e. striking an upper impact end of the elongate body attached to the setting tip to deform the top of the securing device. See col. 1, lines 20-24.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore (4,649,733) in view of McGill.

Regarding claim 18, Gilmore discloses a method for fastening at least two mediums of a scrapbook or photo album, comprising the steps of:

- a. forming corresponding holes in the at least two mediums;
- b. aligning the holes in the at least two mediums (inherent);
- c. disposing a securing device through the holes in the at least two mediums;
- d. placing a setting tip against a top of the securing device; and
- e. striking an upper impact end of the elongate body attached to the setting tip to deform the top of the securing device. See col. 1, lines 17-22.

Gilmore fails to disclose the at least two mediums being selected from the group consisting of scrapbook pages, photo album pages, photos, and decorative paper. However, McGill discloses a method for fastening at least two mediums substantially as claimed, wherein the two mediums are paper (col. 1, lines 6-8). Using the method with

Art Unit: 3724

paper would allow for a variety of applications, such as creating notebooks. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use paper, as disclosed by McGill with the Gilmore method for the purposes of creating a notebook.

Regarding claim 22, Gilmore discloses the securing device is a rivet (col. 1, line 18).

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGill as applied to claim 18 above, and further in view of Schofield (373,201). McGill fails to disclose a setting tip with a raised pattern. However, Schofield discloses placing a setting tip with a raised pattern (D) against the top of the securing device (A/B); and wherein the step of striking sets the securing device (A/B) and creates a corresponding pattern of the raised pattern on the recurring device. Schofield discloses the pattern on the securing device is used for identification purposes (col. 3, line 56 to col. 4, line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pattern on the securing device, as disclosed by Schofield, with the McGill method for the purpose of identifying the securing device.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill as applied to claims 18, above, and further in view of Schofield. The Gilmore-McGill combination fails to disclose a setting tip with a raised pattern. However, Schofield discloses placing a setting tip with a raised pattern (D) against the top of the securing device (A/B); and wherein the step of striking sets the securing device (A/B) and creates a corresponding pattern of the raised pattern on the recurring device. Schofield discloses the pattern on the securing device is used for identification

Art Unit: 3724

purposes (col. 3, line 56 to col. 4, line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pattern on the securing device, as disclosed by Schofield, with the Gilmore-McGill method for the purpose of identifying the securing device.

12. Claims 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill as applied to claims 18, above, and further in view of Quiring (4,355,466).

Regarding claim 20, the Gilmore-McGill combination fails to disclose a specific method of forming holes. However, Quiring discloses a step of forming corresponding holes includes:

- i. placing a punching tip (21) against at least one of the mediums; and
- ii. striking an upper impact end (11) of an elongate body (10) attached to the punching tip (21) to drive the punching tip (21) through the at least one medium.

This method is simplistic in both the steps and the device necessary to perform the operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form holes by a punching tip, as disclosed by Quiring, with the Gilmore-McGill combination due to the simplicity of the steps and device necessary to perform the operation.

Regarding claim 27, the Gilmore-McGill combination fails to disclose a knurled grasping portion. However, Quiring discloses a knurled grasping portion (12) disposed on the elongate body (10) near the impact end (11) of the elongate body (12). The knurling allows for ease of grasping by hand (col. 2, lines 11-12). Therefore it would

Art Unit: 3724

have been obvious to one of ordinary skill in the art at the time the invention was made to provide a knurled grasping portion (12), as disclosed by Quiring, on the Gilmore-McGill combination for the purpose of easily grasping the device by hand.

13. Claims 21 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill as applied to claim 18 above, and further in view of Quiring and Anderson (3,327,516).

Regarding claim 21, the Gilmore-McGill combination fails to disclose the method of forming holes and setting the securing device as claimed. However, Quiring discloses a method comprising the steps of:

- a. attaching an interchangeable punching tip (21) to an elongate body (10) prior to forming the holes in the mediums; and
- b. removing the punching tip (21) from the elongate body (10) prior to forming the holes in the mediums.

This method is simplistic in both the steps and the device necessary to perform the operation. Quiring fails to disclose attaching the setting tip to the elongate body prior to placing the setting tip against the top of the securing device. However, Anderson discloses a punch and fastener setter wherein the punching tip (FIG 7) is attached to the elongate body (10) prior to forming holes, the punching tip (FIG 7) is removed from the body (10) after forming the holes in the mediums, and the setting tip (FIG 5 or FIG 6) is attached to the elongate body (10) prior to placing the setting tip (FIG 5 or FIG 6) against the top of the securing device. The multiple tips on the same body allow the user to choose the best tip for each operation while eliminating the need for several large tools. Therefore, it would have been obvious to one of ordinary skill in the art at

Art Unit: 3724

the time the invention was made to form holes by a punching tip, as disclosed by Quiring, and provide multiple tool tips, as disclosed by Anderson, on the Gilmore-McGill combination for the purpose of simplicity of the steps and device and using the best tip for each operation.

Regarding claim 24, the Gilmore-McGill combination fails to disclose the setting tip is threadably attached to the elongate body. Anderson discloses a tool wherein the setting tip (FIG 5) is removably attached to the elongate body (10). This allows different tips to be attached to the body. Anderson fails to disclose the tip is threadably attached. However, Quiring discloses a tool wherein the tip (21) is threadably attached to an attachment end of the elongate body (10) via mating screw threads (16) on the attachment end of the body and the tip, the respective mating screw threads (16) being configured to enable selective, threadable coupling of the tip (21) to the body (10). The Quiring threaded connection would be more stable than the Anderson magnetic connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a removably attached setting tip, as disclosed by Anderson, wherein the connection is threaded, as disclosed by Quiring, on the Gilmore-McGill combination for the purpose of stably securing the setting tip to the body with the potential to change the tip.

Regarding claim 25, Quiring discloses a shoulder (18) formed on the tip (21), having a shape configured to facilitate attachment to and removal from the attachment end of the body.

Regarding claim 26, Quiring discloses the shoulder (18) has a hexagonal shape.

Art Unit: 3724

14. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGill as applied to claims 18 above and in further view of Sibley (1,600,517). McGill fails to disclose the securing device is an eyelet, rivet or grommet. However, Sibley discloses a fastener for securing sheets of paper together wherein the fastener is an eyelet (col. 1, lines 1-8). Eyelets are inexpensive and widely available. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an eyelet, as disclosed by Sibley, for the McGill fastening device because eyelets are inexpensive and widely available.

15. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill in further view of Quiring as applied to claim 20 above, and further in view of Olsen (1,887,360). The Gilmore-McGill-Quiring combination fails to disclose an ejection chute. However, Olsen discloses a tool with an elongate body (10) including an ejection chute (15), formed in the body, and being configured to allow media punched by the punching tip (18/19) to be ejected out of the elongate body (10). See col. 1, lines 47-51. The ejection chute prevents the punched media from being clogged in the elongate body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an ejection chute, as disclosed by Olsen, on the Gilmore-McGill-Quiring combination for the purpose of preventing the punched media from being clogged in the elongate body.

16. Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill and Schofield.

Regarding claim 28, Gilmore discloses a method for fastening at least two mediums of a scrapbook or photo album, comprising the steps of:

Art Unit: 3724

- a. forming corresponding holes in the at least two mediums;
- b. aligning the holes in the at least two mediums (inherent);
- c. disposing a securing device through the holes in the at least two mediums;
- d. placing a setting tip against a top of the securing device; and
- e. striking an upper impact end of the elongate body attached to the setting tip to deform the top of the securing device. See col. 1, lines 17-22.

Gilmore fails to disclose the at least two mediums being selected from the group consisting of scrapbook pages, photo album pages, photos, and decorative paper. However, McGill discloses a method for fastening at least two mediums substantially as claimed, wherein the two mediums are paper (col. 1, lines 6-8). Using the method with paper would allow for a variety of applications, such as creating notebooks. In addition, McGill fails to disclose a setting tip with a raised pattern. However, Schofield discloses placing a setting tip with a raised pattern (D) against the top of the securing device (A/B); and wherein the step of striking sets the securing device (A/B) and creates a corresponding pattern of the raised pattern on the recurring device. Schofield discloses the pattern on the securing device is used for identification purposes (col. 3, line 56 to col. 4, line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use paper, as disclosed by McGill, and to provide a pattern on the securing device, as disclosed by Schofield, with the Gilmore method for the purposes of creating a notebook and identifying the securing device.

Regarding claim 31, Gilmore discloses the securing device is a rivet (col. 1, line 18).

Art Unit: 3724

17. Claims 29 and 36 ^{are} ~~is~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill and Schofield as applied to claim 28 above, and further in view of Quiring.

Regarding claim 29, the Gilmore-McGill-Schofield combination fails to disclose a specific method of forming holes. However, Quiring discloses a step of forming corresponding holes includes:

- i. placing a punching tip (21) against at least one of the mediums; and
- ii. striking an upper impact end (11) of an elongate body (10) attached to the punching tip (21) to drive the punching tip (21) through the at least one medium.

This method is simplistic in both the steps and the device necessary to perform the operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form holes by a punching tip, as disclosed by Quiring, with the Gilmore-McGill-Schofield combination due to the simplicity of the steps and device necessary to perform the operation.

Regarding claim 36, the Gilmore-McGill-Schofield combination fails to disclose a knurled grasping portion. However, Quiring discloses a knurled grasping portion (12) disposed on the elongate body (10) near the impact end (11) of the elongate body (12). The knurling allows for ease of grasping by hand (col. 2, lines 11-12). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a knurled grasping portion (12), as disclosed by Quiring, on the Gilmore-McGill-Schofield combination for the purpose of easily grasping the device by hand.

Art Unit: 3724

18. Claims 30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable Gilmore in view of McGill and Schofield as applied to claim 28 above, and further in view of Quiring and Anderson.

Regarding claim 30, the Gilmore-McGill-Schofield combination fails to disclose the method of forming holes and setting the securing device as claimed. However, Quiring discloses a method comprising the steps of:

- a. attaching an interchangeable punching tip (21) to an elongate body (10) prior to forming the holes in the mediums; and
- b. removing the punching tip (21) from the elongate body (10) prior to forming the holes in the mediums.

This method is simplistic in both the steps and the device necessary to perform the operation. Quiring fails to disclose attaching the setting tip to the elongate body prior to placing the setting tip against the top of the securing device. However, Anderson discloses a punch and fastener setter wherein the punching tip (FIG 7) is attached to the elongate body (10) prior to forming holes, the punching tip (FIG 7) is removed from the body (10) after forming the holes in the mediums, and the setting tip (FIG 5 or FIG 6) is attached to the elongate body (10) prior to placing the setting tip (FIG 5 or FIG 6) against the top of the securing device. The multiple tips on the same body allow the user to choose the best tip for each operation while eliminating the need for several large tools. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form holes by a punching tip, as disclosed by Quiring, and provide multiple tool tips, as disclosed by Anderson, on the Gilmore-McGill-

Art Unit: 3724

Schofield combination for the purpose of simplicity of the steps and device and using the best tip for each operation.

Regarding claim 33, the Gilmore-McGill-Schofield combination fails to disclose the setting tip is threadably attached to the elongate body. Anderson discloses a tool wherein the setting tip (FIG 5 is removably attached to the elongate body (10). This allows different tips to be attached to the body. Anderson fails to disclose the tip is threadably attached. However, Quiring discloses a tool wherein the tip (21) is threadably attached to an attachment end of the elongate body (10) via mating screw threads (16) on the attachment end of the body and the tip, the respective mating screw threads (16) being configured to enable selective, threadable coupling of the tip (21) to the body (10). The Quiring threaded connected would be more stable than the Anderson magnetic connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a removably attached setting tip, as disclosed by Anderson, wherein the connection is threaded, as disclosed by Quiring, on the Gilmore-McGill-Schofield combination for the purpose of stably securing the setting tip to the body with the potential to change the tip.

Regarding claim 34, Quiring discloses a shoulder (18) formed on the tip (21), having a shape configured to facilitate attached to and removal from the attachment end of the body.

Regarding claim 35, Quiring discloses the shoulder (18) has a hexagonal shape.

19. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill, Schofield, and Quiring as applied to claim 29 above, and further in view of Olsen. The Gilmore-McGill-Schofield-Quiring combination fails to disclose an

Art Unit: 3724

ejection chute. However, Olsen discloses a tool with an elongate body (10) including an ejection chute (15), formed in the body, and being configured to allow media punched by the punching tip (18/19) to be ejected out of the elongate body (10). See col. 1, lines 47-51. The ejection chute prevents the punched media from being clogged in the elongate body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an ejection chute, as disclosed by Olsen, on the Gilmore-McGill-Schofield-Quiring combination for the purpose of preventing the punched media from being clogged in the elongate body.

20. Claims 37, 40, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill and Quiring.

Regarding claim 37, Gilmore discloses a method for fastening at least two mediums of a scrapbook or photo album, comprising the steps of:

- a. forming corresponding holes in the at least two mediums;
- b. aligning the holes in the at least two mediums (inherent);
- c. disposing a securing device through the holes in the at least two mediums;
- d. placing a setting tip against a top of the securing device; and
- e. striking an upper impact end of the elongate body attached to the setting tip to deform the top of the securing device. See col. 1, lines 17-22.

Gilmore fails to disclose the at least two mediums being selected from the group consisting of scrapbook pages, photo album pages, photos, and decorative paper. However, McGill discloses a method for fastening at least two mediums substantially as claimed, wherein the two mediums are paper (col. 1, lines 6-8). Using the method with paper would allow for a variety of applications, such as creating notebooks. In addition,

Art Unit: 3724

Gilmore fails to disclose a specific method of forming holes. However, Quiring discloses a step of forming corresponding holes includes:

- i. placing a punching tip (21) against at least one of the mediums; and
- ii. striking an upper impact end (11) of an elongate body (10) attached to the punching tip (21) to drive the punching tip (21) through the at least one medium.

This method is simplistic in both the steps and the device necessary to perform the operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use paper, as disclosed by McGill, and form holes by a punching tip, as disclosed by Quiring, with the Gilmore-method for the purpose of creating a notebook and simplicity of the steps and device necessary to perform the punching operation.

Regarding claim 40, Gilmore discloses the securing device is a rivet (col. 1, line 18).

Regarding claim 45, Quiring discloses a knurled grasping portion (12) disposed on the elongate body (10) near the impact end (11) of the elongate body (12). The knurling allows for ease of grasping by hand (col. 2, lines 11-12). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a knurled grasping portion (12), as disclosed by Quiring, on the Gilmore-McGill combination for the purpose of easily grasping the device by hand.

21. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill and Quiring as applied to claim 37 above, and further in view of Schofield. The Gilmore-McGill-Quiring combination fails to disclose a setting tip with a

Art Unit: 3724

raised pattern. However, Schofield discloses placing a setting tip with a raised pattern (D) against the top of the securing device (A/B); and wherein the step of striking sets the securing device (A/B) and creates a corresponding pattern of the raised pattern on the recurring device. Schofield discloses the pattern on the securing device is used for identification purposes (col. 3, line 56 to col. 4, line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pattern on the securing device, as disclosed by Schofield, with the Gilmore-McGill-Quiring combination for the purpose of identifying the securing device.

22. Claims 39 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill and Quiring as applied to claim 37 above, and further in view of Anderson.

Regarding claim 39, Quiring discloses a method comprising the steps of:

- a. attaching an interchangeable punching tip (21) to an elongate body (10) prior to forming the holes in the mediums; and
- b. removing the punching tip (21) from the elongate body (10) prior to forming the holes in the mediums.

This method is simplistic in both the steps and the device necessary to perform the operation. The Gilmore-McGill-Quiring combination fails to disclose attaching the setting tip to the elongate body prior to placing the setting tip against the top of the securing device. However, Anderson discloses a punch and fastener setter wherein the punching tip (FIG 7) is attached to the elongate body (10) prior to forming holes, the punching tip (FIG 7) is removed from the body (10) after forming the holes in the mediums, and the setting tip (FIG 5 or FIG 6) is attached to the elongate body (10) prior

Art Unit: 3724

to placing the setting tip (FIG 5 or FIG 6) against the top of the securing device. The multiple tips on the same body allow the user to choose the best tip for each operation while eliminating the need for several large tools. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide multiple tool tips, as disclosed by Anderson, on the Gilmore-McGill-Quiring combination for the purpose of using the best tip for each operation.

Regarding claim 42, Quiring discloses a tool wherein the tip (21) is threadably attached to an attachment end of the elongate body (10) via mating screw threads (16) on the attachment end of the body and the tip, the respective mating screw threads (16) being configured to enable selective, threadable coupling of the tip (21) to the body (10). The Gilmore-McGill-Quiring combination fails to disclose the tip is a setting tip. However, Anderson discloses a tool wherein the setting tip (FIG 5) is removably attached to the elongate body (10). The multiple tips on the same body allow the user to choose the best tip for each operation, in this case setting, while eliminating the need for several large tools. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a removable setting tip, as disclosed by Anderson, on the Gilmore-McGill-Quiring combination for the purpose of providing the best tip for setting.

Regarding claim 43, Quiring discloses a shoulder (18) formed on the tip (21), having a shape configured to facilitate attached to and removal from the attachment end of the body.

Regarding claim 44, Quiring discloses the shoulder (18) has a hexagonal shape.

Art Unit: 3724

23. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of McGill and Quiring as applied to claim 37 above, and further in view of Olsen. Gilmore discloses the securing device is a rivet (col. 1, line 18). The Gilmore-McGill-Quiring combination fails to disclose an ejection chute. However, Olsen discloses a tool with an elongate body (10) including an ejection chute (15), formed in the body, and being configured to allow media punched by the punching tip (18/19) to be ejected out of the elongate body (10). See col. 1, lines 47-51. The ejection chute prevents the punched media from being clogged in the elongate body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an ejection chute, as disclosed by Olsen, on the Gilmore-McGill-Quiring combination for the purpose of preventing the punched media from being clogged in the elongate body.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hensley (3,964,660), Schnabel et al (6,751,841), Rugg et al (2004/0118723 A1), and Kiehl (D450,985 S) disclose methods/devices for fastening mediums.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

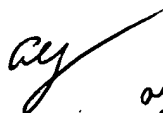
Art Unit: 3724

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AB

CB

February 15, 2005



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